

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DROPLETS, INC.,

Plaintiff,

v.

**OVERSTOCK.COM, INC.,
SEARS ROEBUCK & CO.,
SEARS BRANDS LLC,
SEARS HOLDINGS CORPORATION,**

Defendants.

**Civil Action No. 2:11-cv-00401-JRG-
RSP**

JURY TRIAL

JOINT MOTION TO DISMISS SEARS

WHEREAS, Plaintiff Droplets, Inc. (“Droplets”) and Defendants Sears, Roebuck and Company, Sears Brands, L.L.C., and Sears Holdings Corporation (collectively, “Sears”) have settled Droplets’ claims for relief against Sears and Sears’ counterclaims for relief against Droplets asserted in this case.

NOW, THEREFORE, Droplets and Sears, through their attorneys of record, request this Court to dismiss Droplets’ claims for relief against Sears and Sears’ counterclaims for relief against Droplets, with prejudice and with all attorneys’ fees, costs of court and expenses borne by the party incurring same.

DATED: March 24, 2015.

Respectfully submitted,

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/s/ Josh Budwin

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who has consented to electronic services on March 24, 2015. Local Rule CV-5(a)(3)(A).

/s/ James E. Quigley

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